

Exhibit “Y” to Amended Verified Petition

EDWIN J. GARLING, AICP Principal
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JOHN DEGELE, Planner



Garling Associates

MASTER PLAN • ZONING • SUBDIVISION • ENVIRONMENTAL STATEMENT PREPARATION
ECONOMIC AND PLANNING STUDIES • SITE SELECTION AND DESIGN
PROJECT DEVELOPMENT AND MANAGEMENT

July 26, 1989

Mr. Robert DiNardo
Attorney at Law
90 East Main Street
Washingtonville, New York 10992

Re: Mehlon Mining Application - Town of Montgomery

Dear Mr. DiNardo:

This letter is intended to confirm our discussion at a meeting with representatives of the Town of Montgomery held on Wednesday, July 26. In attendance were: Richard Hoyt, Town Attorney; Michael Aiello, Town Engineer; William Kelly, Planning Board Chairman; Ivan Jennings, Town Highway Superintendent; Ed Garling, Town Planner; yourself and Mr. Mehl, the applicant. We discussed Kings Hill Road improvements, crossing the aqueduct and items to be addressed in an expanded EAF.

Enclosed is a letter from the New York City Department of Environmental Protection regarding a crossing of the aqueduct. Have your engineer contact them directly regarding a design for the in-ground bridge they require. Any decision made by the Planning Board will require the concurrence of the City of New York regarding the design of the bridge.

We suggest that in order to avoid any questions as to what should be addressed in the EAF you submit a table of contents of the items you intend to address to the Planning Board for their confirmation. If we receive your list the first week in August we should be able to get a response back to you after our August 14th meeting.

Items to be addressed are those discussed previously and at our recent meeting. These include:

1. Traffic -

- a) Sight distance at Kings Hill Road and relocation of access drive.

LOCATION

207 PROFESSIONAL BUILDING
ROUTE 207, CAMPBELL HALL, NY 10916

(914) 294-5835
FAX (914) 294-5754

MAILING ADDRESS

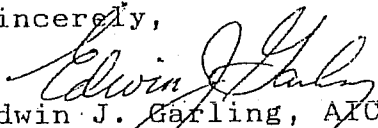
P.O. BOX 1029
GOSHEN, NY 10924

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Mehlon Mining Application

- b) Weights of trucks fully loaded and unloaded for all types of vehicles and number of trucks daily.
 - c) Directions of travel and roads to be taken through the Town to reach various State roads such as Route 17K, 52, 208, 84 and 300.
 - d) Aqueduct - all aspects.
 - e) Reconstruction of Kings Hill Road to Plains Road - location, width, base, maintenance costs, etc.
 - f) Design of Kings Highway to heavy haul specifications.
2. Noise and Dust -
- a) Measures to insure mitigation of potential noise and dust at site and along access road. Time of operations.
 - b) Blasting- measures to mitigate impacts on neighbors in Newburgh along Kings Hill Road.
 - c) Testing and evaluation of area residences. Description of procedure.
3. Alternatives for access to proposed use.
4. Items that the applicant or Planning Board may wish to add or clarify.
5. Landscaping, screening, drainage and restoration have been addressed, but the Planning Board may require further clarification on some items in the future.

Sincerely,


Edwin J. Garling, AICP

EJG:mm

enclosure: NYCDEP letter

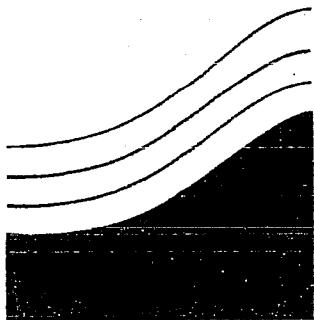
cc: William Kelly

Cathie Raia

Richard Hoyt

Ivan Jennings

Michael Aiello



CITY OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY

SHOKAN, NEW YORK 12481

(914) 657-2304

HARVEY W. SCHULTZ
Commissioner

JOSEPH P. CONWAY, P.E., Director
Assistant Commissioner

July 18, 1989

Edwin J. Garling
Garling Associates
P.O. Box 1029
Goshen, N.Y. 10924

Subject: Mehlon Trucking - Shale Mine Application

Reference: Your letter to W. Haecker dated 6/28/89 - Subject: Same

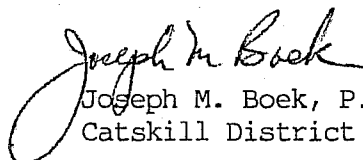
Dear Mr. Garling:

In response to the above reference, the Department of Environmental Protection has very serious concerns about twenty (20), thirty (30) ton loads crossing the aqueduct, on a daily basis, for fifteen (15) years.

Considering the daily volume of traffic and the maximum weight of each load this Department will require bridging of suitable design and construction to support the proposed loading. Plans and specifications for such protective bridging must be submitted to this Department for approval prior to operation of the shale bank.

If you have any questions or require additional information, please contact me at your convenience.

Sincerely,


Joseph M. Boek, P.E.
Catskill District Engineer

PJP:
JMB:mjo
cc: Wm. J. Kelly, Jr., Chairman
Town of Montgomery Planning Bd.